

USEPA SF 11.3.95



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

October 6, 2008

Eileen Flink, Vice President and General Counsel  
Ash Grove Cement Company  
11011 Cody Street  
Overland Park, Kansas 66210

Re: Ash Grove Cement Company Request for Extension of Response to First Request for Information; Portland Harbor Superfund Site, Portland, Oregon

Dear Ms. Flink:

EPA is in receipt of an email from Leslie Nellermeoe of Heller Ehrman LLP dated September 29, 2008, requesting an additional extension of time for response to EPA's letter dated January 18, 2008, regarding First Request for Information; Portland Harbor Superfund Site, Portland, Oregon, for Ashgrove Cement Company. In the email, Ms. Nellermeoe requested an extension date of October 24, 2008, to respond. Based upon the circumstances presented, EPA believes that the extension request is reasonable and has extended the due date for your response to this first Information Request to October 24, 2008.

Failure to respond fully and truthfully to the Information Request by the due date provided in this letter may result in an enforcement action by EPA. Under Section 104(e)(5)(B) of CERCLA, 42 U.S.C. § 9604(e)(5)(B), pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by the Debt Collection Improvement Act of 1995, 31 U.S.C. § 3701, EPA is authorized to commence an action to assess civil penalties of not more than \$32,500 per day for each day of noncompliance against any person who unreasonably fails to comply with an Information Request.


Please note that responses which are incomplete, ambiguous or evasive may be treated as non-compliant with this Information Request. Also be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. You have an ongoing duty under this first Information Request to supplement your response with any additional information or documents that become available or known to you after you submit your response. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501.

If you have any general questions about the Site, you may call Kristine Koch at (206) 553-6705, or contact her by email at [koch.kristine@epa.gov](mailto:koch.kristine@epa.gov). If you have legal questions about this letter or if you are represented by legal counsel, you or your attorney may contact Elizabeth McKenna, Assistant Regional Counsel, at (206) 553-0016 or [mckenna.elizabeth@epa.gov](mailto:mckenna.elizabeth@epa.gov), or



Lori Houck Cora, Assistant Regional Counsel, at (206) 553-1115 or cora.lori@epa.gov. Thank you for your cooperation in this matter.

Sincerely,



Deb Yamamoto, Unit Manager  
Site Cleanup Unit #2  
Office of Environmental Cleanup

cc: Elizabeth McKenna, EPA-ORC  
Kristine Koch, EPA-ECL  
Lori Houck Cora, EPA-ORC